

THIS IS GOOD
BASIC BACKGROUND ON
DELEGATION OF AUTHORITY
IN OS.

CONFIDENTIAL

20 December 1985

MEMORANDUM FOR: Deputy Director of Security (P&M)

FROM: Chief, Policy Branch, PPG

SUBJECT: Delegation of Authority

25X1 1. This date, I discussed Subject with [redacted] We
 25X1 agreed that deletion of those sections of [redacted]
 25X1 which pertain to delegation of disapproval authority is a good
 25X1 way to achieve flexibility for the Director of Security. By
 25X1 deleting specific reference to delegation, the D/S will be able
 25X1 to delegate normally per [redacted] which states that, except when
 25X1 specifically prohibited from doing so, Operating Officials may
 25X1 delegate authority to their subordinates. Of course, an
 25X1 unreasonable delegation could be challenged in court.

25X1 2. The only restriction on such flexibility is contained
 25X1 in the DCI memorandum dated 27 June 1983 (attachment A of
 25X1 Basic). This memorandum specifically designates DD/PSI as the
 25X1 disapproval authority in cases involving denial or revocation
 25X1 of SCI access. [redacted] advised that this means DD/PSI,
 25X1 Acting DD/PSI, or successor positions in the event of
 25X1 reorganization. If greater flexibility is desired in this
 25X1 regard, DCI action would be required. One word of caution: An
 25X1 individual who would regularly act as D/S should not be used as
 25X1 a disapproval authority in SCI cases. This avoids the
 25X1 situation where an SCI appeal would be referred for final OS
 25X1 determination to the same individual who made the initial
 25X1 disapproval decision. Therefore, it is my view that SCI
 25X1 disapproval authority should remain as it is.

25X1 3. It is recommended that PPG seek RPD action on deletion
 25X1 of the related portions of [redacted] (see highlighted
 25X1 portions of attachment B). A memorandum for RPD is attached
 25X1 for signature.

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19 DEC 1985

Chief, Policy and Plans Group

Attention: [REDACTED]

Delegation of Authority

This is to confirm that I spoke to [REDACTED], and showed him your informal note concerning [REDACTED] views on this matter. [REDACTED] wants to hang tough on a general delegation in the regulations, so that the Director of Security's hands are not tied in the regulations. Internally this delegation will be tightly controlled by formal memo, but it is our call.

I had a hallway discussion with [REDACTED] reaffirming that: (1) we had this authority prior to 1973; (2) the Director of Security is reorganizing in such a manner that he will not normally be involved in the flow of adjudication cases; (3) [REDACTED] and senior PSI officials will have this authority, not the DD/TS or the DD/P&M; and we want language which provides us with some latitude during the absence/illness of top officials. I specifically raised a question as to the legal impediment for such a general delegation.

After some discussion, [REDACTED] indicated that there are many more appeal cases than there were in 1973, and he would much prefer that we merely delete the objectional language rather than apply rather broad delegation wording which would imply that the authority could be passed well down the line. I indicated that this would be acceptable to me - a deletion of the section relating to security disapprovals by the Director of Security. He also brought up the DCI memo of 27 June 1983, with regard to the appeal process in DCID 1/14, and thought that this should be reviewed in conjunction with the entire process. I mentioned that I was not particularly familiar with that document and suggested he provide me with a copy.

I had a conversation with [REDACTED] and kept him current on the status of our negotiations with the Office of General Counsel. He is aware that we want a general delegation, or an appropriate deletion.

As the bottom line, I'm not clear as to the impact of the DCI memo in this entire matter. I suggest that we keep the pressure on for a regs change. At first blush, it seems to me that the memo on DCID 1/14 would not have to be changed, because the Director of Security can continue to handle appeals, on cases which he has not adjudicated. Discuss that with [REDACTED]

25X1

[redacted] advised that he is concerned that the proposed delegation of DL authority language appears too vague despite his understanding that DL authority would not be delegated below the DD level. I advised that D/S must have flexibility, on a day to day basis if necessary, to delegate DL authority. I also advised that reorganization of OS may result in some functional and title changes. [redacted] suggested we include specific mention of any position to which DL authority might be delegated and also include the phrase "successor positions". The following is suggested:

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25X1

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Only the Director of Security, the Deputy Director of Security or the Deputy Director of Security for Personnel Security and Investigations or successor positions may disapprove ...

Hopefully, RPD will buy the alternative as being reasonably akin to the version which was coordinated Agency-wide and will send it to the DDA without additional coordination.

ELB C/PolBr/PPG